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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 PUGET SOUNDKEEPER ALLIANCE,

8 Plaintiff,

9 v.

10 PIERCE COUNTY RECYCLING,
COMPOSTING AND DISPOSAL, LLC,
et al.,

11 Defendants.

CASE NO. C17-5731 BHS

ORDER LIFTING STAY

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13 This matter comes before the Court on the parties' submission regarding the stay.
14 Dkt. 42.

15 On January 31, 2019, the Court granted Defendants Pierce County Recycling,
16 Composting and Disposal, LLC, d/b/a LRI and Waste Connections of Washington, Inc.'s
17 ("Defendants") motion to stay and required the parties to file a joint status report no later
18 than May 31, 2019. Dkt. 40. On May 31, 2019, the parties filed a report informing the
19 Court that the Washington Department of Ecology ("Ecology") issued an Agreed Order
20 and that, "[i]n the next few weeks, the parties will provide the Court with a stipulated
21 motion for a revised scheduling order that proposes new dates for the trial and remaining
22 pretrial deadlines." Dkt. 41. On July 22, 2019, the parties filed the instant joint

1 submission informing the Court that Defendants have altered their position and now
2 request that the stay remain in place “until the work required under the Agreed Order is
3 finalized and approved by Ecology.” Dkt. 42 at 9. Plaintiff Puget Soundkeeper Alliance
4 (“Soundkeeper”) opposes Defendants’ request to maintain the stay and requests that the
5 Court lift the stay and set a trial schedule. *Id.* at 10–13. The Court agrees with
6 Soundkeeper that Defendants’ alleged hardship of having to respond to what may
7 ultimately be unnecessary discovery is not a sufficient reason to justify a stay. *See, e.g.,*
8 *Mix v. Ocwen Loan Servicing, LLC*, C17-0699JLR, 2017 WL 5549795, at *8 (W.D.
9 Wash. Nov. 17, 2017) (the “burden of producing discovery and preparing for trial does
10 not demonstrate a clear case of hardship or inequity” to warrant a stay) (citing *Lockyer v.*
11 *Mirant Corp.*, 398 F.3d 1098, 1112 (9th Cir. 2005)). Therefore, the Court orders the
12 Clerk to reopen this case and issue an abbreviated trial schedule.

13 Regarding Soundkeeper’s motion to compel that the Court denied without
14 prejudice, Dkt. 35, Soundkeeper may either renote the original motion for consideration
15 or file a new motion. If Soundkeeper renotes the original motion, the Court requests a
16 status report regarding whether the parties have made any progress on resolving the
17 original disputes.

18 **IT IS SO ORDERED.**

19 Dated this 1st day of August, 2019.

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BENJAMIN H. SETTLE
United States District Judge